



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Alan C. Lloyd, Ph.D.
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

Minutes

Los Angeles Regional Water Quality Control Board
June 2, 2005 Regular Board Meeting
Metropolitan Water District of Southern California, Board Room
700 North Alameda Street, Los Angeles, CA.

Item 1. Roll Call

The meeting was called to order by Chair Susan Cloke at 9:25a.m.

Board Members Present: Susan Cloke (Chair), Timothy Shaheen (Vice Chair), Fran Diamond, Bonny Herman, Mary Ann Lutz and H. David Nahai.

Board Members Absent: Julie Buckner-Levy and Bradley Mindlin

Staff Present: Jonathan Bishop, David Bacharowski, Ronji Harris, Michael Lauffer, Robert Sams, Stephen Cain, Blythe Ponek-Bacharowski, Paula Rasmussen, Melinda Becker, Veronica Cuevas Alpuche, Mazhar Ali, David Hung, Elizabeth Erickson, Samuel Unger, Tony Rizk,, Don Tsai, L.B. Nye

Individuals Whose Names Appears on the Meeting Sign-In Sheet

Dr. Mark Gold, Heal the Bay	Ms. Cathy Chang, City of Culver City
Ms. Tracy Egoscue, Santa Monica BayKeeper	Mr. Charlie Yu., City of Los Angeles, BOS
Ms. Melanie Winter, The River Project	Mr. Bill Dewitt, City of South Gate
Mr. Gus Dembegiotes, City of Los Angeles BOS	Mr. Tony Scarpellino, Vacco Industries
Ms. Martha Rincon, Los Angeles County Sanitation Districts	Mr. David Smith, U.S. Environmental Protection Agency
Mr. Bob Wu, Caltrans	Mr. Michael Wang, Western States Petroleum Association
Mr. Richard Watson, Richard Watson & Associates	Ms. Jacky Gamble, Las Virgenes Municipal Water District
Ms. Gina Triviso, Santa Monica BayKeeper	Mr. Ken Farfsing, City of Signal Hill
Mr. Larry Forrester, City of Signal Hill	Mr. Gene Lucero, Latham & Watkins
Mr. Richard Montevideo, Rutan & Tucker	Mr. Dan Florescu, Charles Abbott Associates, Inc.
Mr. Jason Booth, Dongell Lawrence Family L.P.	Mr. Scott MacDoud, W.A.T.E.R.
Mr. Tim Piasky, Building Industry Association	Mr. Rodney Andersen, City of Burbank
Ms. Sheila Kennedy, Enfact Solutions, Inc.	Mr. John Harris, Richards, Watson & Gershon
Mr. Ivan Karnelis, Caltrans	Ms. Susannah Turney, City of Arcadia

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Ms. Laura Larsen, RBF Consulting	Mr. Clayton Yoshida, City of Los Angeles
Dr. Susan Paulsen, Flow Science	Mr. Thomas Johnson, Port of Long Beach
Ms. Zora Bahariance, City of Los Angeles	Ms. Gloria Lu, City of Los Angeles
Mr. Frank Wu, Los Angeles County Department of Public Works	Ms. Heather Gallardy, Los Angeles County Department of Public Works
Mr. Gerald Greene, City of Downey	Mr. T.J. Kim, Brown and Caldwell
Mr. Ray Tahir, Consultant	

Item 2. Order of Agenda

The Executive Officer, Jonathan Bishop, stated that there were no proposed changes to the agenda.

MOTION: To approve the agenda as posted.

First: Board Member David Nahai

Second: Board Member Tim Shaheen

Vote: Approved by unanimous vote.

Item 3. Approval of May 5, 2005 Draft Meeting Minutes

Approval of draft meeting minutes postponed.

Item 4. Board Member Communications.

Board Chair Susan Cloke met with officials from the City of Malibu and State of California regarding the City's proposal for a State Park.

Board Member Fran Diamond met with Marlene Grossman, Pacoima Beautiful, and Stephen Cain, Los Angeles Water Quality Control Board, to discuss the remediation of the former Price Pfister property in Pacoima.

Board Member Bonny Herman met with Jim Stall, Los Angeles County Sanitation District, to listen to concerns regarding the proposed Los Angeles River Metals TMDL.

Board Member Mary Ann Lutz and Executive Officer Jonathan Bishop attended a meeting with Mr. Ken Farfsing, City of Signal Hill, to listen to concerns regarding the proposed Los Angeles River Metals TMDL.

Board Member H. David Nahai met with Larry Forester, Councilmember City of Signal Hill, Mr. Ken Farfsing, City of Signal Hill, Mr. Larry Walker, Larry Walker Associates, and Mr. Desi Alvarez, Los Angeles County Executive Advisory Committee(EAC), to listen to concerns regarding the proposed Los Angeles River Metals TMDL. Board Member Nahai noted that he did not express any viewpoints at this meeting.



Item 5. Executive Officer's Report.

Report given by Jonathan Bishop, Executive Officer, and posted on the Board's website:
www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html .

Item 6. Public Forum.

Mr. Tim Piasky, Building Industry Association of Southern California

Item 7. Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Items 8 through 14.

First: Board Member David Nahai

Second: Board Member Tim Shaheen

Vote: Approved by unanimous vote.

Item 15. Consideration of a proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load to reduce metals in the Los Angeles River and Tributaries.

Public hearing opened and oath administered

(Michael Lauffer, Office of Chief Counsel, addressed ex parte communications, conflict of interest prohibitions and incorporation of testimony into other TMDL public hearings)

Staff Report:

Melinda Becker, Acting Chief of Regional Programs, assisted by Jonathan Bishop, Michael Lauffer, Xavier Swammikannu and Jenny Newman

Public Comment:

(Public comment incorporated into the record for Item 16)

Mr. David Smith, U.S. Environmental Protection Agency

Mr. Larry Forester, Councilmember, City of Signal Hill

Dr. Susan Paulsen, Flow Science, Inc., Coalition for Practical Regulation

Mr. Ken Farfsing, City of Signal Hill

Dr. Gerald Greene, City of Downey

Mr. Richard Watson, R. Watson and Assoc., Coalition for Practical Regulation

Mr. Richard Montevideo, Rutan and Tucker, Coalition for Practical Regulation

Ms. Martha Rincon, Los Angeles County Sanitation Districts

Mr. Michael Wang, Western States Petroleum Association

Mr. Tony Scarpellino, VACCO Industries

Ms. Carrie Inciong, County of Los Angeles, Department of Public Works

Mr. Ivan Karnezis, Caltrans

Mr. Rodney Anderson, City of Burbank, Department of Public Works

Mr. John Harris, Richards, Watson and Gershon

Mr. Gus Dembegiotes, City of Los Angeles, Bureau of Sanitation



Mr. Desi Alvarez, Los Angeles County NPDES Executive Advisory Committee
Mr. Gene Lucero, Latham and Watkins
Mr. Ray Tahir, representing Cities of Commerce, South Pasadena, San Gabriel, Montebello and Vernon
Ms. Melanie Winter, The River Project
Ms. Tracy Egoscue, Santa Monica BayKeeper
Dr. Mark Gold, Heal the Bay
Mr. Roger Griffin, Individual
Mr. Jason Booth, Dongell, Lawrence and Finney
Mr. DeWitt, Councilmember, City of South Gate

Board Discussion Topics:

- Applicability of the California Toxics Rule (CTR)
- EPA's response if the Regional Board did not adopt proposed TMDL
- Implementation procedures for Regional Board and EPA-approved TMDL
- Ability of proposed TMDL to achieve desired water-quality goals
- Reasons for different and extended implementation schedules
- Linking a longer implementation/compliance schedule with an integrated approach
- Clarification of municipalities' projected implementation costs and funding ability
- Adequacy of implementation schedule for required studies
- Type and effectiveness of BMPs used by municipalities to prevent polluted runoff
- Clarification of legal objections to Findings #16 and #17 in change sheet
- Impact of aerial deposition on water quality and TMDL load allocations
- Coordination and conformity of proposed TMDL with pathogen TMDL
- Public outreach performed in developing the proposed TMDL
- Impact of proposed TMDL on properties with no dry-weather discharge
- Recourse for POTW's when BMPs are not feasible or sufficient
- How would compliance be demonstrated by Caltrans
- Desirability of adding cadmium to the proposed TMDL
- Appropriateness of giving waste-load allocations to regional forests
- Cost-savings resulting from implementation of the proposed TMDL
- Board's options with regard to acting on the proposed TMDL
- Inviting municipalities and counties to participate in the Wet-Weather Task Force
- Practice of diverting storm drain flows into municipal sewer systems
- Value of using a "phasing-in" approach for POTWs.
- Consequence of implementing additional BMPs over time but not achieving compliance
- Adequacy of time frames for testing various/sequential BMPs
- Relationship between hydromodification policy and the proposed TMDL
- Relationship of the proposed TMDL with federal standards
- Do provisions of the proposed TMDL equate to backsliding
- Impact of permit-writer's discretion to mandate BMPs on achieving water quality objectives



- What are the opportunities for the regulated community to comment on modifications to the proposed TMDL
- Desirability of adopting the proposed TMDL when many questions remain unanswered

Board Direction:

Staff directed to appear before the Board in approximately four months with a proposed amendment incorporating and establishing incentives for an integrated water resources approach and to report on the status and coordination of all TMDLs for the Los Angeles River and Ballona Creek Watersheds

MOTION: Adopt staff's proposed Basin Plan amendment, with change sheet modifications, typographical corrections and following additions:

- New finding #26: The Regional Board has previously endorsed integrated water resources approaches require additional time for planning and development and are suitable for the 22-year implementation period discussed in this TMDL. As presently proposed, the TMDL implementation program does not distinguish between integrated and nonintegrated approaches. Further consideration of an implementation schedule incorporating and establishing incentives for an integrated water resources approach, similar to the Santa Monica Bay Beaches Bacteria TMDL, is appropriate.
- New Resolved #6: Regional Board staff is directed to explore and to propose revisions to the TMDL implementation schedule that incorporate an integrated water resources approach, similar to the implementation program in the Santa Monica Bay Beaches Bacteria TMDL. The Regional Board will consider any revisions proposed by staff, but is not committing to any particular course of action.

First: Board Chair Susan Cloke

Second: Board Member David Nahai

Vote: Support: Board Members Susan Cloke, Fran Diamond, H. David Nahai and Tim Shaheen

Oppose: Board Members Bonny Herman and Mary Ann Lutz

Abstain: None

Item 16. Consideration of a proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load to reduce metals in the Ballona Creek

(Item 15 testimony requested to be made part of the record for Item 16)

MOTION: To continue Item 16 to a future meeting of the Board

First: Board Member David Nahai

Second: Board Member Mary Ann Lutz

Vote: Approved by unanimous vote

Item 17. Consideration of a proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load to reduce toxic pollutants in the Ballona Creek Estuary



(Item 15 testimony requested to be made part of the record for Item 17)

MOTION: To continue Item 17 to a future meeting of the Board

First: Board Member Fran Diamond

Second: Board Member David Nahai

Vote: Approved by unanimous vote

Item 18. Closed Session

Notice was given that Agenda Items 18.3 and 18.4 would be discussed in closed session

Item 19. Adjournment

MOTION: To adjourn the meeting in memory of Elsie Louise Gysbers

First: Board Member Fran Diamond

Second: Mary Ann Lutz

Vote: Approved by unanimous vote

The Meeting was adjourned at 4:50p.m.

The next regular meeting is scheduled fo4r July 7, 2005 at the City of Simi Valley, Council Chambers, 2929 Tapo Canyon Road, Simi Valley, California, beginning at 9:00a.m.

